

## Message Text

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TO USMISSION GENEVA PRIORITY

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TAGS: AORG, ETRD, TECH, UNCTAD

SUBJECT: UNCTAD MEETING ON ROLE OF PATENTS IN TRANSFER  
OF TECHNOLOGY

REF: STATE 199067

FOR USDEL - HARTMAN AND KLEIN

1. DEPARTMENT AND PATENT OFFICE HAVE BEEN GIVING FURTHER  
CONSIDERATION TO ROLE OF UNCTAD IN RELATION TO ON-GOING  
WIPO PROJECT FOR POSSIBLE REVISION OF PARIS INDUSTRIAL  
PROPERTY CONVENTION.

2. AS YOU KNOW, IT IS OUR POSITION THAT RESPONSIBILITY  
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FOR ANY REVISION OF THE PARIS CONVENTION RESTS WITH THE

MEMBER STATES OF THAT CONVENTION WITHIN THE FRAMEWORK OF THE WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO).

3. ON THE OTHER HAND, IT IS QUITE CLEAR THAT THE UNCTAD SECRETARIAT (I.E., TRANSFER OF TECHNOLOGY DIVISION), WITH THE SUPPORT OF SOME DEVELOPING COUNTRIES, IS SERIOUSLY ATTEMPTING TO MOVE IN ON THE REVISION OF THE PARIS CONVENTION. FURTHER, WE WOULD CALL ATTENTION TO THE RECOMMENDATION OF THE WIPO AD HOC GROUP OF GOVERNMENTAL EXPERTS

ON THE REVISION OF THE PARIS CONVENTION (FEBRUARY 1975) WHICH STATED, AMONG OTHER THINGS, THAT OTHER UNITED NATIONS BODIES, PARTICULARLY THE UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT AND THE UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANIZATION, INTERESTED IN THE TRANSFER OF TECHNOLOGY BE CONSULTED AS TO THE CONTRIBUTION THEY COULD MAKE TO THE FURTHER WORK OF THE AD HOC GROUP OF GOVERNMENTAL EXPERTS. UNQUOTE

4. AT THE GROUP B MEETING ON AUGUST 29, USDEL SHOULD PUT FORWARD FOR DISCUSSION THE IDEA OF UNCTAD SERVING IN AN ADVISORY ROLE TO DEVELOPING COUNTRIES IN CONNECTION WITH THE WIPO PROJECT ON POSSIBLE REVISION OF THE PARIS CONVENTION. USDEL SHOULD POINT OUT THAT THIS IS NOT OUR POLICY POSITION AT THIS TIME BUT WE WOULD LIKE TO HAVE THE VIEWS OF GROUP B COUNTRIES FOR FURTHER CONSIDERATION. THERE IS A PRECEDENT FOR SUCH AN UNCTAD ROLE IN CONNECTION WITH THE MULTILATERAL TRADE NEGOTIATIONS (SEE RESOLUTION 82 (III) OF UNCTAD III, SECTION D). WE ARE FULLY AWARE THAT THE MTN PRECEDENT HAS CREATED DIFFICULTIES. HOWEVER, A CLEARLY DELINEATED ADVISORY ROLE FOR UNCTAD IN THE WIPO FRAMEWORK WOULD BE PREFERABLE TO CONTINUING UNCTAD EFFORTS TO USURP WIPO'S ROLE.

5. THE RATIONALE FOR AN ADVISORY ROLE TO DEVELOPING COUNTRIES FOR UNCTAD IS AS FOLLOWS:

-- A. THE UNCTAD SECRETARIAT APPARENTLY IS DETERMINED TO INTERJECT ITSELF INTO REVISION OF THE PARIS CONVENTION WHETHER WITHIN THE UNCTAD FRAMEWORK OR WITHIN THE WIPO LIMITED OFFICIAL USE

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FRAMEWORK.

-- B. THE UNCTAD SECRETARIAT WILL UNDOUBTEDLY PLACE ITSELF IN AN INFORMAL ADVISORY ROLE TO DEVELOPING COUNTRIES IN CONNECTION WITH THE WIPO PROJECT.

-- C. IF A FORMAL DECISION WERE TAKEN BY THE UNCTAD MEMBER STATES ABOUT AN ADVISORY ROLE FOR UNCTAD IN THE

WIPO FRAMEWORK, SUCH AN ACTION WOULD RECOGNIZE THE PRIMARY RESPONSIBILITY OF WIPO FOR ANY REVISION OF THE PARIS CONVENTION.

6. PROCEDURALLY WE COULD ENVISAGE THE FOLLOWING STEPS:

-- A. THE UNCTAD PATENTS EXPERTS GROUP COULD INCLUDE A RECOMMENDATION IN ITS REPORT TO THE EFFECT THAT UNCTAD SERVE IN ADVISORY ROLE TO DEVELOPING COUNTRIES IN THE WIPO FRAMEWORK.

-- B. FOLLOWING CONSIDERATION BY THE UNCTAD COMMITTEE ON TRANSFER OF TECHNOLOGY, THE MATTER COULD THEN BE PUT ON THE-AGENDA OF THE NEXT APPROPRIATE MEETING OF UNCTAD TDB.

-- C. THE QUESTION OF UNDP FINANCING OF UNCTAD'S ADVISORY SERVICES MIGHT BE CONSIDERED AT THE NEXT UNDP GOVERNING COUNCIL MEETING IN 1976.

7. USDEL SHOULD REPORT FULLY ON RESULTS OF GROUP B DISCUSSION ON AUGUST 29 AND WE WILL CONSIDER THIS MATTER FURTHER. INGERSOLL

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